

REMARKS

This Amendment is in response to an Office Action mailed September 17, 2010. In the Office Action, claims 1-3, 18-20, 23-25 and 28-34 were rejected under 35 U.S.C. §102(e). Claims 22, 26-27 and 37-38 were rejected under 35 U.S.C. §103(a). Claims 1, 18-20, 22, 26, 28, 32-33 and 37 have been amended.

Reconsideration and allowance of the pending claims is respectfully requested.

Examiner's Interview

The undersigned attorney conducted a brief telephonic interview with the Examiner on November 16, 2010. During the telephone conference, both the Examiner and the undersigned attorney agreed that the cited reference does not anticipate or render the claimed invention unpatentable based on the lack of teaching of the architecture set forth in the pending independent claims. Applicant respectfully requests the Examiner to allow the pending application and issue a Notice of Allowance.

Rejection Under 35 U.S.C. §102

Claims 1-3, 18-20, 23-25 and 28-34 have been rejected under 35 U.S.C. §102(e) as being anticipated by Salmonsén (U.S. Patent Publication No. 2007/0005334). Applicant respectfully traverses the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Herein, Salmonsén does not describe each and every limitation set forth in the claimed invention.

For instance, with respect to claim 1, it is noted that the interpretation as to which components of Salmonsén correspond to the claim elements of claim 1 has again changed. Based on the current interpretation, Applicant respectfully submits, *inter alia*, that Salmonsén does not describe or suggest the following limitation:

a second processor [content sink 304] provided with a second stream data including video data and audio data that is received from the data storage device [media source 302] without being routed over the communication bus [bus between 310 & 314], the second processor [304] to receive an instruction from the first processor [314] over the communication bus and to decode the second stream data to reproduce the second stream data in accordance with the instruction sent from the first processor [314].

Rather, as the Examiner now agreed to in the Examiner's Interview, Salmonsens fails to describe or suggest the transmission of an instruction from the first processor (interpreted in the Office Action as processor 314) to the second processor (interpreted in the Office Action as content sink 304) as explicitly claimed.

Furthermore, with respect to independent claim 1, it is noted that Salmonsens does not describe or suggest that the bus between interface controller (310) and processor (314) is a Peripheral Component Interconnect (PCI) bus as set forth in claim 22. Also, the media source (302) of Salmonsens is an audio and/or video device subsystem, namely an optical drive such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW). See paragraph [0054] of Salmonsens. Media source (302) is not a hard disk drive as explicitly set forth in claim 18.

Also, claim 20 has been amended to further define the network control unit as an IEEE 1394 processor.

With respect to independent claims 19 and 28, the rationale described above for traversing the rejection is also applicable to these independent claims.

Hence, Applicant respectfully requests withdrawal of the outstanding §102(e) rejection.

Rejection Under 35 U.S.C. §103

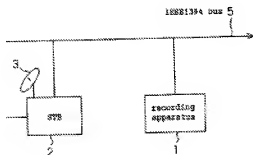
Claims 22, 26-27 and 37-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Salmonsens in view of Higashida (U.S. Patent No. 6,862,401). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See *MPEP* §2143; see also *In Re Fine*, 873 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). In particular, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." *MPEP* §2141. In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, *all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.*" *Emphasis added.* The Court further required that an explicit analysis for this reason must be made. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR 127 S.Ct.* at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

In the instant case, Applicant respectfully submits that the teachings of the combined references do not suggest all of the claim limitations and there is no apparent reason to combine

the elements identified by the Examiner in the manner as claimed. Thus, no *prima facie* case of obviousness has been established.

For instance, with respect to claims 22, 37 & 38, the bus between the interface controller 310 and processor 314 is not described or suggested as being a Peripheral Component Interconnect (PCI) bus. The Examiner alleges that col. 13, lines 9-14 of Higashida discloses “the communication bus is a Peripheral Component interconnect (PCI) bus”. We disagree. Col. 13, lines 9-14 of Higashida describes the format of bus (5), namely the bus that interconnects *the recording apparatus (1) with the STB (2)* as illustrated below in FIG. 1 of Higashida. *Emphasis added.* This description is not directed to the bus between the recording/reproducing control means (7) and the CPU (11) of Higashida.



Further, although the foregoing has described that the STB and the recording apparatus are connected with each other via the IEEE1394 bus as each constituted, this is not limiting. The STB and the recording apparatus may be connected with each other via other bus, such as a PCI bus, except for a IEEE1394 bus.

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Regardless, the teachings of PCI bus should not be applied to what appears to be a dedicated communication path between controller 310 and processor 314 as shown in FIG. 3 of Salmonsén.

With respect to claims 26 and 27, the “television tuner” has been construed by the Examiner as the set-top box (2) of Higashida. Furthermore, the Examiner contends that col. 4, lines 9-18 and 38-42 describes the television tuner (STB 2) adapted to transmit a third stream data to the second processor (content sink 304 of Salmonsén) for storage within a storage medium associated with a data storage device (media source 302 of Salmonsén). We disagree because the Examiner is merely selecting elements without such elements functioning in accordance with the provided claim language. For instance, the television tuner is part of an apparatus, which is considered to be the DVD player/recorder of Salmonsén. Yet, the STB is being incorrectly considered by the Examiner as corresponding to a television tuner as claimed since the set-top box is distinct from and unrelated to DVD player/recorder functionality as described in Salmonsén.

Lastly, based on the dependency of claims 22, 26-27 and 37-38 on independent claims 1, 19 and 28, which are believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted.

Reconsideration of the allowability of these claims is respectfully requested.

Conclusion

Applicant respectfully requests withdrawal of the outstanding rejections and issuance of a timely Notice of Allowance.

Respectfully submitted,

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Dated: December 13, 2010

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